

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)	
)	
Amendment of Parts 2, 73, 74 and 90 of the)	
Commission's Rules to Permit)	ET Docket No. 03-158
New York Metropolitan Area)	MB Docket No. 03-159
Public Safety Agencies to Use)	
Frequencies at 482-488 MHz)	

To: The Commission

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following brief comments in response to the Commission's *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceedings, FCC 03-165, released July 10, 2003.

APCO, founded in 1935, is the nation's oldest and largest public safety communications organization. Most of APCO's over 16,000 members are state or local government employees directly involved in the management and operation of communications systems for our nation's police, fire, emergency medical, highway maintenance, forestry conversation, and other public safety agencies. APCO has long served as a certified frequency coordinator for Public Safety Pool channels, and often appears before the Commission on matters related to public safety communications.

The Commission has proposed a permanent reallocation of 482-488 MHz (TV Channel 16) for public safety communications in the New York metropolitan area. Since 1995, New York area public safety agencies have used this spectrum pursuant to a temporary waiver granted by the Commission. For the reasons set forth in the *NPRM*, the Commission should now make this spectrum available for public safety on a permanent basis through a change in its allocation rules. In the alternative, the Commission should grant a permanent waiver pursuant to Section 337(c) of the Communications Act.

Metropolitan areas throughout the nation face severe shortages of radio spectrum for public safety communications. That results in overcrowded and interference prone public safety radio channels, the inability to implement state-of-the-art communications tools, and, in many cases, a lack of interoperability between public safety agencies responding to the same emergency. The channel 16 frequencies at issue here have been, and should continue to be, an important vehicle for New York area public safety agencies to alleviate some of that spectrum congestion.

The New York area agencies have invested substantially in radio systems using these frequencies, which have proven invaluable in their day-to-day public safety operations, and in responding to major emergencies, including September 11, 2001. As further discussed in the *NPRM*, New York area public safety agencies have no place else to go, as all other radio frequency bands are already overcrowded, or (in the case of the 700 MHz band) blocked by television broadcast stations until some uncertain future date.

Therefore, APCO strongly supports spectrum reallocation or rule waivers to allow permanent public safety use of 482-488 MHz (TV Channel 16) in the New York metropolitan area.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

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